

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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Order Filed on September 25, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**STIPULATION AND CONSENT ORDER PURSUANT TO SECTIONS 554 AND 363 OF THE  
BANKRUPTCY CODE APPROVING ABANDONMENT OF PERSONAL PROPERTY AT DEBTORS'  
FORMER PREMISES LOCATED IN RIVERSIDE, CALIFORNIA**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby  
**ORDERED.**

**DATED: September 25, 2023**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

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Debtors: BED BATH & BEYOND INC., *et al.*  
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DEBTORS' FORMER PREMISES LOCATED IN RIVERSIDE,  
CALIFORNIA

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This stipulation and consent order (the “Stipulation”) is made by and between Agua Mansa Commerce Phase I, LLC (“Landlord”) and Bed Bath & Beyond Inc., and its affiliates, as debtors and debtors in possession (the “Debtors,” and together with Landlord, the “Parties”), including, as applicable, by and through their duly authorized undersigned counsel.

**WHEREAS**, on April 23, 2023 (the “Petition Date”), each of the Debtors commenced with the Court a voluntary case under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their assets as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code;

**WHEREAS**, the Debtors’ chapter 11 cases (the “Chapter 11 Cases”) have been procedurally consolidated;

**WHEREAS**, as of the Petition Date, Landlord and one of the Debtors were parties to an unexpired lease (the “Lease”) of nonresidential real property located at 6120 Clinker Drive, Riverside, CA (the “Premises”);

**WHEREAS**, the Parties have agreed upon the terms set forth in this Stipulation, for which the Parties seek approval hereby;

**NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION THE PARTIES HERETO ACKNOWLEDGE RECEIVING, IT IS HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS:**

1. The recitals set forth above are hereby made an integral part of the Parties’ Stipulation and are incorporated herein.

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2. Pursuant to sections 554(a) and 363(b)(1) of the Bankruptcy Code, and consistent with the “Abandoned Property” provisions of the *Order (I) Authorizing and Approving Procedures To Reject Executory Contracts and Unexpired Leases and (II) Granting Related Relief* [Docket No. 382] previously approved by this Court, the Debtors are authorized to abandon to Landlord, *nunc pro tunc* to the date of the surrender of the Premises, any personal property remaining in the Premises as of the date of surrender, primarily consisting of office furniture and equipment and general office supplies (the “Debtor Personal Property”).

3. Upon the entry of this Stipulation and Consent Order, and without any further consideration due and owing from Landlord, Landlord and its representatives and managing agents are free to use or dispose of the Debtor Personal Property in their sole and absolute discretion without liability to the Debtors or any other entity; such Debtor Personal Property being abandoned, hereafter, the “Abandoned Property”).

4. The Debtors shall not be liable for any cost, rent, or use and occupancy relating to the storage of the Debtor Personal Property for any period after the surrender of the Premises.

5. Subject to the consent of Landlord, Ryder Integrated Logistics shall be permitted to retain or dispose any or all of the Abandoned Property without consideration to the Debtors, their estates or any other entity (other than Landlord, if applicable).

6. Nothing in this Stipulation and Consent Order is intended to modify the Lease Termination Agreement dated June 13, 2023 entered into between the Parties.

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7. Notwithstanding Bankruptcy Rules 6004(h) and 6006(d), upon the Court's approval of this Stipulation, the relief set forth herein shall be effective and enforceable immediately upon entry hereof.

8. The requirement set forth in Local Rule 6007-1 that the Debtors file a notice of proposed abandonment is hereby deemed satisfied by the contents of the Application and Lease Termination Agreement or otherwise waived.

9. The Parties acknowledge and agree that the Court shall retain jurisdiction over all disputes concerning or related to the subject matter of this Stipulation.

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APPEAR ON THE FOLLOWING PAGE]

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Dated: September 18, 2023

*/s/ Michael D. Sirota*

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*/s/ Ivan M. Gold*

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